

PLANNING BOARD MINUTES

November 10, 2010

Board members present:

Jan Eckhart, Vice Chairman Ron Wolanski, Town Planner

Audrey Rearick, Secretary Frank Holbrook, Assistant Town Solicitor

Richard Adams

Betty Jane Owen

Charlene Rose-Cirillo

Gladys Lavine

Member absent:

Arthur Weber

The meeting was called to order at 6:30 pm.

• Mr. Eckhart expressed congratulations on behalf of the Planning Board to chairman Arthur Weber on his election to the Town Council. The Board expressed its gratitude for Mr. Weber's years of service to the Board and the town.

• Approval of the minutes of the October 13, 2010 regular Planning Board meeting - Motion by Ms. Rearick, seconded by Ms. Owen, to approve the October 13, 2010 regular Planning Board meeting minutes. Vote: 6-0-0.

Correspondence

Motion by Ms. Owen, seconded by Ms. Cirillo, to receive memorandum of the Town Planner dated October 18, 2010 regarding

administrative subdivision approval, Town of Middletown & Middletown Historical Society, Administrative Subdivision, Green End Ave. Plat 114, Lot 96A. Vote: 6-0-0.

Motion by Ms. Rearick, seconded by Ms. Owen, to receive letter from Linda Haverty, 238 Prospect Ave, Middletown, dated October 6, 2010, regarding petition of Karmik, LLC., 265 Prospect Ave. Vote: 6-0-0.

Old Business

1. Public Hearing – Peter Gallipeau, Proposed 14 lot Major Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lots 4, 217, 218, 219 Request for Preliminary Plan Approval.

Mr. Holbrook recused himself from the discussion of this matter.

The applicant was represented by Attorney David Martland.

Mr. Eckhart stated that the applicant had submitted a letter agreeing to an additional continuance to December 8, 2010.

Motion by Ms. Owen, seconded by Ms. Rearick, to continue the matter to the December 8, 2010 regular Planning Board meeting. Vote: 6-0-0.

2. Request of the Zoning Board of Review for an advisory opinion on a Special Use Permit Application for proposed development in Zone 1 of the Watershed Protection District pursuant to Zoning Ordinance Article 11 – Peter Gallipeau, Sachuest Dr. Plat 126, Lot 4. Proposed development of proposed Saltwood Subdivision Lot 2.

Mr. Holbrook recused himself from the discussion of this matter.

Mr. Eckhart stated that the Board has received a letter from attorney Vernon Gorton on behalf of the Paradise Valley Neighborhood Association, dated November 9, 2010, objecting to the issuance of the requested special use permit.

The applicant was represented by Attorney David Martland. Mr. Martland stated that the application is similar to applications reviewed by the Board for other proposed lots in the subject subdivision. The Board had previously recommended in favor of granted a permit that would have applied to the entire subdivision.

Mr. Wolanski reviewed the recommended conditions of approval, which are consistent with those recommended for the prior applications.

The applicant indicated that the proposed conditions of approval are acceptable.

Motion by Ms. Owen, seconded by Ms. Rearick, to forward a positive recommendation on the application to the Zoning Board of Review subject to the following recommended conditions:

- 1. The applicant shall be required to connect to the public sewer.**
- 2. At the time of development, the builder will be required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control ordinance (Chapter 151). The use of pervious paving and other methods to promote infiltration of storm runoff should be considered as means of meeting the requirements of Chapter 153.**
- 3. The use of lawn chemicals and other chemicals with the potential to adversely impact ground and surface water quality shall be limited.**

Vote: 6-0-0.

Additional Old Business:

- 1. Comprehensive Plan Update: Mr. Adams provided an update on the progress of the Comprehensive Plan Update Committee. The**

Committee recently agreed to the addition of language to the plan to promote the development of an zoning overlay district to regulate the location of wind turbines.

2. AIPC & AIRPA: Mr. Adams updated the Board on the activities of the Aquidneck Island Planning Commission and the Aquidneck Island Reuse Planning Authority. Applications for public benefit conveyances, including the town's application for recreation land associated with the proposed Greene Lane Park, must be submitted to AIRPA by November 22nd.

3. West Main Rd./Coddington Master Plan: Mr. Wolanski stated that the consultant, VHB, would be meeting with property owners in the study area during a series of meetings on Thursday, November 18th. Planning Board members are invited to participate.

New Business

1. David P. Leys, Jr., Request for 1-year extension of subdivision approval. 268 Tuckerman Ave., Plat 116SE, Lot 109.

Mr. Leys stated that the property is in the process of being sold, but the buyers are not currently in a position to address the condition of approval that requires the demolition of the existing structure. A one-year extension of the subdivision approval is requested.

Motion by Ms. Rearick, seconded by Ms. Cirillo, the grant a one-year extension of the subdivision approval. Vote: 6-0-0.

2. Michael Nunes, Proposed 5 lot Minor Subdivision, Wolcott Ave. & Wayside Ave., Plat 121NW, Lots 102 & 102A, Request for Preliminary Plan Approval.

Attorney David Martland represented the applicant. As requested by

the board, he described the adverse possession court judgment which resulted in the applicant taking ownership of a portion of a former road right-of-way. That land area is included as part of the property subject to the subdivision application.

Mr. Holbrook recommended, and Mr. Martland agreed, that since the road right-of-way area was never formally incorporated in the applicant's property by recording a plan or other document in the land evidence records, the court judgment should be recorded, and the current subdivision plan, if approved, should make reference to the recorded judgment.

There was discussion of the need for a variance for the one lot, 102A, that would have less than the required street frontage.

There was discussion of the existing easement that allows for utilities and access to lot 102A from Wayside Ave. across lot 102. That easement and access will remain.

Motion by Ms. Rearick, seconded by Ms. Owen, to grant conditional preliminary subdivision plan approval, subject to the following conditions:

1. As proposed, Lot 102A would have less than the required street frontage. Prior to final subdivision approval and recording, necessary zoning relief must be granted by the Zoning Board of Review to allow for creation of a lot with less than the required frontage.

2. Development of the proposed new building lots (parcels A, B, & C) would be subject to development impact fees. Prior to recording, the following note must be added to the plan: "The Town has implemented development impact fees which apply to any new

commercial and residential development in town. Impact fees as specified in Town Code Chapter 150 will be assessed at the time of development of proposed parcels A, B, & C.”

3. At the time of development of each lot the developer will be required to comply with all applicable provisions of town’s construction site runoff and erosion control ordinance (Town Code chapter 151) and the storm water management ordinance (chapter 153), including limiting the storm water runoff rate to pre-development levels. A note to this effect must be added to the plan prior to recording.

4. Prior to final approval and recording, the plan must be revised to provide information on proposed potable water supply to the subject lots. If public water is proposed, documentation from the Newport Water Department must also be provided to demonstrate the department’s ability to serve the subject lots.

5. Prior to recording the subdivision plan, the RI Superior Court judgment (C.A. No. NC99-528) awarding ownership of a portion of the subject property to the applicant shall be recorded in the Town of Middletown Land Evidence Records. Said document shall be properly referenced on the final subdivision plan prior to recording.

Vote: 6-0-0.

3. Karmic, LLC - Subdivision (Plat 140, Lot 46), 6-lot subdivision, (Final Plan) – Request for 1-year extension of approval.

The applicant was not present.

Mr. Wolanski stated that the applicant’s attorney, Joseph Palumbo, had contacted him to request that the Board proceed with

consideration of the request even though he was unable to attend due to a prior commitment.

There was discussion of the status of the applicant's appeal of one condition of the approval. Mr. Holbrook confirmed that the appeal is still pending in Superior Court.

Motion by Ms. Owen, seconded by Ms. Rearick, to grant a one-year extension of the final subdivision approval. Vote: 6-0-0.

4. Request of the Zoning Board of Review for an advisory opinion on a Special Use Permit Application for proposed development in Zone 1 of the Watershed Protection District pursuant to Zoning Ordinance Article 11 – Paradise Realty LLC, Bailey Ave., Plat 120, Lot 916.

Mr. Wolanski stated that he was contacted by the applicant, who was unable to attend the meeting. He stated that this application was previously reviewed by the board, and was granted a special use permit by the zoning board of review. That permit has since expired. There are no changes to the plan.

Ms. Rearick stated that the Conservation Commission had reviewed the application.

Motion by Ms. Rearick, seconded by Ms. Lavine, to forward a positive recommendation to the Zoning Board of Review subject to the following recommended conditions:

1. The applicant should be required to connect to the public sewer.
2. The builder is required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control ordinance (Chapter 151). The use of pervious paving and other methods to promote infiltration of storm

runoff should be considered as means of meeting the requirements of Chapter 153.

3. The applicant should be required to consult with the Town Engineer and Public Works Director prior to final design and installation of the proposed road drainage improvements along Bailey Ave.

4. The use of lawn chemicals and other chemicals with the potential to adversely impact ground and surface water quality shall be limited.

Vote: 6-0-0.

Motion by Ms. Rearick, seconded by Ms. Owen to adjourn. Vote: 6-0-0

The meeting adjourned at 7:10 pm

Respectfully submitted:

Ronald M. Wolanski

Town Planner